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other vessel types, may also be necessary.

Federal inspection regulations currently do not provide for sailing school vessels. Under U.S. law, sailing school ships, if not owned by a Government agency, are considered to be passenger vessels. Although regulations applicable to small passenger vessels are to some extent compatible with the operation of sailing vessels, many sailing school ships are larger than 100 gross tons and hence are governed by regulations applicable to larger passenger vessels. Many of these regulations are not appropriate for sailing school vessels, including both the requirement for vessels over 100 gross tons to be constructed of steel, and stability and compartmentation standards better suited to very large vessels.

Some sailing school ships operate under inspection regulations applicable to oceanographic research vessels, but such vessels are required to be engaged exclusively in oceanographic research or instruction. The Coast Guard has interpreted this as prohibiting formal instruction in navigation and seamanship, two primary courses of education on sailing school vessels. Merchant vessel requirements, as well as nautical school ship regulations, are similarly not appropriate for sailing school ships.

The possibility that students or instructors aboard school vessels may be viewed by the courts as seamen entitled to recover damages for injuries under maritime legal doctrines also hampers school ship operations. Wide-ranging liability for injuries to seamen has historically been justified on the grounds that seamen are in need of special protection because they are at the mercy of the vessel's master, and that the vessel operator who derives a profit from their employment should bear the costs of compensating them for their injuries. These justifications do not support the imposition of such broad liability on the operator of a sailing school ship, which operates to provide an educational opportunity for students.

H.R. 6580 would establish a new class of vessels under maritime statutes to be called sailing school ships. The new classification would remove the school ships from certain other vessel classifications, and would also remove students and instructors, although not the crew, from classification as seamen.

The committee held a hearing on this legislation on June 17, and reported the bill without controversy on August 3. Every effort was made to accommodate suggestions from the Coast Guard for clarifying and improving the bill, and I am confident that the legislation as reported is both a sound and a necessary proposal.

I hope very much that it will be approved by the House today.

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the chairman of the Coast Guard Committee has adequately and accurately stated the situation; but for the record, it should be noted that the Coast Guard and the administration have indicated their opposition to the bill on two grounds; one, that they see no reason or benefit to be gained from treating sailing vessels or sailing school vessels differently from other passenger vessels. I think that argument has been answered by the comments of the gentleman from Massachusetts.

Second, the bill provides the Coast Guard with no guidance with respect to the regulatory treatment these tall sailing ships are to receive, and that is certainly true, but it does not seem to me again that the Coast Guard is beyond the talent or the capacity to write adequate regulations; but I wanted those matters noted for the record.

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Mr. STUDDS. Mr. Speaker, I yield myself 1 minute.

Again, I would like the record to reflect that the administration did not testify in opposition to this bill. Hearings were held, the Coast Guard did testify; there was no great controversy at the hearing.

I would think even the administration would concede we ought not to require sailing vessels to be made of steel.

Mr. Speaker, I urge adoption of the bill.

● Mr. JONES of North Carolina. Mr. Speaker, the Sailing School Vessels Act of 1982, H.R. 6580, is intended to correct inhibitions on existing law which deter the development and operation of sailing schools by requiring vessels used in these educational programs to meet unnecessary Federal regulations.

Currently, sailing school vessels are not specifically addressed in Federal regulations, but are instead covered by either those designed for passenger vessels or ships involved in oceanographic research. Many of these requirements are inappropriate given the unique use of the vessel and incompatible with its teaching purpose.

Specifically, H.R. 6580 would establish a new class of vessels, "sailing school ships," and require the Coast Guard to promulgate new inspection regulations within 18 months of enactment which address the peculiar design, construction, alteration, or repair of sailing school vessels, as well as their operational requirements, including staffing and crew qualifications. The bill would also eliminate students and instructors, although not crew, from classification as seamen.

I urge my colleagues to vote to suspend the rules and approve this bill, helping at least in a small way to carry on the seafaring traditions of our country through the continuation of the nonprofit sailing schools which op-

erate these vessels and train the sailors of tomorrow. ●

● Mr. YOUNG of Alaska. Mr. Speaker, I urge support for passage of H.R. 6580, the Sailing School Vessels Act of 1982.

This bill permits the Coast Guard to regulate sailing school vessels used for navigation instruction while taking into account the particular nature of sail-powered vessels. Current statutes provide for regulation of steel-hulled, machine-powered vessels or passenger and ocean research vessels. Vessels propelled primarily by sail do not easily fit into these categories necessitating this change. Specifically, the bill would permit the Coast Guard to address the differences in vessel stability, compartmentation, and utility systems in developing the safety regulations for these vessels. Further, only those who are in the legitimate business of teaching sailing ship navigation would be permitted to operate under this law.

Mr. Speaker, in view of the above, I recommend that we enact H.R. 6580. ●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. STUDDS) that the House suspend the rules and pass the bill, H.R. 6580, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered, H.R. 6580.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FALSE IDENTIFICATION CRIME CONTROL ACT OF 1982

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6946) to amend title 18 of the United States Code to provide penalties for certain false identification related crimes, as amended.

The Clerk read as follows:

H.R. 6946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "False Identification Crime Control Act of 1982".

SEC. 2. Chapter 47 of title 18 of the United States Code is amended by adding at the end the following:

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trust fund's administration. It assures funding of safety and facility programs without a reduction in the Coast Guard budget authority which was attempted by the Office of Management and Budget this past year. The important result of this bill is that the funding for the Coast Guard search and rescue and law enforcement programs will not have to suffer because expenditures were made from the boating safety trust fund.

Mr. Speaker, I urge that we enact this bill today.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. STUDDS) that the House suspend the rules and pass the bill, H.R. 6813, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SAILING SCHOOL VESSELS ACT
OF 1982

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6850) to reform the regulation of sailing school vessels, as amended.

The Clerk read as follows:

H.R. 6580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Sailing School Vessels Act of 1982".

SEC. 2. The Act entitled "An Act to require the inspection and certification of certain vessels carrying passengers", enacted May 10, 1956 (46 U.S.C. 390 et seq.; 70 Stat. 151), is amended as follows:

(1) Subsection (a) of the section is amended by inserting "or any guest on board a sailing school vessel," after "purposes" in paragraph (5). Such subsection is further amended by striking out "or" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof "or", and by adding at the end thereof the following:

"(7) any sailing school instructor or sailing school student."

(2) Section 2(a) is amended by striking out "and each freight-carrying vessel," and inserting in lieu thereof "each freight-carrying vessel, and each sailing school vessel". Section 2(a)(3) is amended by striking out "and the crew" and inserting in lieu thereof "crew, sailing school students and sailing school instructors".

(3) Section 3 is amended by striking out "and freight-carrying vessels" and inserting in lieu thereof "freight-carrying vessels, and sailing school vessels". Section 3 is further amended by striking out "and crew," and inserting in lieu thereof "crew, sailing school students, and sailing school instructors," and by inserting after "number of passengers" the following: "sailing school students, and sailing school instructors".

(4) Sections 4(a), 4(b), and 5 are each amended by striking out "or freight-carrying vessel" each place it appears and inserting in lieu thereof "freight-carrying vessel, or sailing school vessel".

(5) The first section is amended by adding at the end thereof the following:

"(f) The term 'sailing instruction' means teaching, research, and practical experience in the operation of vessels propelled primarily by sail and may include any subjects related thereto and to the sea, including but not limited to seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature.

"(g) The term 'sailing school vessel' means a vessel of less than five hundred gross tons which carries six or more individuals who are sailing school students or sailing school instructors and which the Secretary finds is principally equipped for propulsion by sail, whether or not the vessel has any auxiliary means of propulsion, and is owned or demise chartered and operated by an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 and exempt from tax under section 501(a) of such Code, as now or hereafter amended, or by any State or political subdivision thereof, during such times as the vessel is operated by such organization or State or political subdivision exclusively for the purposes of sailing instruction. For purposes of this subsection, 'auxiliary means of propulsion' means mechanical propulsion equipment, not exceeding four horsepower, or such larger amount as the Secretary, by regulation, may permit, for each displacement ton of the vessel.

"(h) The term 'sailing school instructor' means any person who is aboard a sailing school vessel for the purpose of furnishing sailing instruction. Such term does not include any operator or member of the crew of such a vessel who is among those required to be aboard the vessel to meet requirement establishing under section 3 of this Act.

"(i) The term 'sailing school student' means any person who is aboard a sailing school vessel for the purpose of receiving sailing instruction."

SEC. 3. Sailing school students and sailing school instructors shall not be considered to be seamen under the provisions of titles 52 and 53 of the Revised Statutes of the United States and any Act amendatory thereof or supplementary thereto, or for the purposes of the maritime law-doctrines of maintenance and cure or warranty of seaworthiness.

SEC. 4. Each owner or charterer of a sailing school vessel shall maintain evidence of his or her financial responsibility to meet any liability incurred for death or injury to sailing school students or sailing school instructors on voyages aboard the vessel, in an amount not less than \$50,000 for each student or instructor. Such financial responsibility may be evidenced by policies of insurance or other adequate financial resources.

SEC. 5. For purposes of sections 3, 4, and 6 of this Act, the terms "sailing school students", "sailing school instructor", and "sailing school vessel" have the meaning given such terms in the first section of the Act entitled "An Act to require the inspection and certification of certain vessels carrying passengers", enacted May 10, 1956, (46 U.S.C. 390).

SEC. 6. (a) The Secretary of the department in which the Coast Guard is operating shall, after consultation with representatives, of the private sector having experience in the operation of vessels likely to be certified as sailing school vessels, prescribed rules and regulations to carry out this Act and the Act entitled "An Act to require the inspection and certification of certain vessels carrying passengers", enacted May 10, 1956 (46 U.S.C. 390b), as it related to sailing school vessels. Such rules and regulations shall reflect the specialized nature of sailing school vessel operations, and the character, design, and construction of vessels operating as sailing school vessels. Any manning requirement imposed with respect to sailing school vessels shall take into account the participation of sailing school students and sailing school instructors in the operation of such vessels. Such rules and regulations shall be prescribed not later than eighteen months after the date of enactment of this Act.

(b) Subsection (a) of this section shall take effect on the date of enactment of this Act. This Act (other than subsection (a) of this section) and the amendments made by this Act shall take effect eighteen months after the date of enactment of this Act or on the date upon which the rules and regulations referred to in subsection (a) take effect, whichever is earlier; except that if such rules and regulations take effect more than eighteen months after the date of enactment of this Act, the amendment made by section 2(4) of this Act to section 4(a) of the Act of May 10, 1956, shall take effect three months after the effective date of such rules and regulations.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Massachusetts (Mr. STUDDS) will be recognized for 20 minutes, and the gentleman from California (Mr. McCLOSKEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 6580 is to require the Coast Guard to develop marine safety regulations which are suitable to the unique nature of sailing school vessels. Sailing school vessels are operated by non-profit educational institutions for the exclusive purpose of teaching students a variety of maritime-related subjects.

The legislation would amend section 46 U.S.C. 390 to include sailing school ships within a category now limited to small passenger and small freight carrying vessels. At present, sailing school ships are regulated either as if they were oceanographic research or large passenger carrying vessels.

The Coast Guard would be required to issue final regulations within 18 months to provide as necessary for the design, construction, alteration, or repair of sailing school vessels, and for their operation, including manning requirements and crew qualifications. More specific regulations in the areas of vessel stability, compartmentation, and utility systems, where sailing ships may differ significantly from

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"§ 1028. Fraud and related activity in connection with identification documents

"(a) Whoever, in a circumstance described in subsection (c) of this section—

"(1) knowingly and without lawful authority produces an identification document or a false identification document;

"(2) knowingly transfers an identification document or a false identification document knowing that such document was stolen or produced without lawful authority;

"(3) knowingly possesses with intent to use unlawfully or transfer unlawfully five or more identification documents (other than those issued lawfully for the use of the possessor) or false identification documents;

"(4) knowingly possesses an identification document (other than one issued lawfully for the use of the possessor) or a false identification document, with the intent such document be used to defraud the United States; or

"(5) knowingly produces, transfers, or possesses a document-making implement with the intent such document-making implement will be used in the production of a false identification document or another document-making implement which will be so used;

or attempts to do so, shall be punished as provided in subsection (b) of this section.

"(b) The punishment for an offense under subsection (a) of this section is—

"(1) a fine of not more than \$25,000 or imprisonment for not more than five years, or both, if the offense is—

"(A) the production or transfer of an identification document or false identification document that is or appears to be—

"(i) an identification document issued by or under the authority of the United States; or

"(ii) a birth certificate, or a driver's license or personal identification card;

"(B) the production or transfer of more than five identification documents or false identification documents; or

"(C) an offense under paragraph (5) of such subsection;

"(2) a fine of not more than \$15,000 or imprisonment for not more than three years, or both, if the offense is—

"(A) any other production or transfer of an identification document or false identification document; or

"(B) an offense under paragraph (3) of such subsection; and

"(3) a fine of not more than \$5,000 or imprisonment for not more than one year, or both, in any other case.

"(c) The circumstance referred to in subsection (a) of this section is that—

"(1) the identification document or false identification document is or appears to be issued by or under the authority of the United States or the document-making implement is designed or suited for making such an identification document or false identification document;

"(2) the offense is an offense under subsection (a)(4) of this section; or

"(3) the production, transfer, or possession prohibited by this section is in or affects interstate or foreign commerce, or the identification document, false identification document, or document-making implement is transported in the mail in the course of the production, transfer, or possession prohibited by this section.

"(d) As used in this section—

"(1) the term 'identification document' means a document made or issued by or under the authority of the United States Government, a State, local or foreign government, or an international governmental or quasi-governmental organization which, when completed with information concern-

ing a particular individual, is of a type commonly accepted for the purpose of identification of individuals;

"(2) the term 'produce' includes alter, authenticate, or assemble;

"(3) the term 'document-making implement' means any implement or impression specially designed or primarily used for making an identification document, a false identification document, or another document-making implement;

"(4) the term 'personal identification card' means an identification document issued by a State or local government solely for the purpose of identification; and

"(5) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any other possession or territory of the United States.

"(e) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481)."

SEC. 3. The table of sections at the beginning of chapter 47 of title 18 of the United States Code is amended by adding at the end the following:

"1028. Fraud and related activity in connection with identification documents."

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New Jersey (Mr. HUGHES) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. SAWYER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HUGHES asked and was given permission to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, H.R. 6946, the False Identification Crime Control Act of 1982 was reported favorably to the House by the Committee on the Judiciary on August 10, 1982, by a voice vote.

False identification, in the last decade, has become a technique widely used by fugitives to avoid apprehension by law enforcement officials. False identification is used by illegal aliens to infiltrate the United States and to take advantage of the opportunities and expensive protection and benefits we provide for our citizens.

The use of assumed identities by criminals is one of the oldest means to avoid detection since criminals began running away from the scene of the crime. In modern society the numerous types of financial transactions and the need for personal security has led to the need to prove one's identity frequently. A person seeking to establish a new identity must therefore obtain the documents that verify that identity or else risk arousing suspicion and apprehension. Hence, there now exists a thriving market in counterfeit and stolen identification documents.

The question of how to deal with the problem has engendered a great deal

of thought and study. Six years ago a Federal Commission on False Identification reported on the need for protection of identification documents.

What has evolved is an ad hoc system that is based on driver's licenses and birth certificates, documents that are issued by the States. We need to protect State-issued documents of identity and it is with that goal that this bill is brought to the House for consideration.

H.R. 6946 creates three new offenses dealing with the counterfeiting and transfer of counterfeit and stolen identification documents and the equipment used to make false identification. It also creates an offense covering the possession of five or more false identification documents, and a prohibition on the possession of false identification documents with the intent to defraud the United States.

These offenses deal only with Government-issued identification and not those used by private organizations. Both State and local government-issued identification and foreign governmental or international quasi-governmental identification are also covered.

In the case of State and local-issued identification, primarily birth certificates and driver's licenses, the bill provides for strong penalties for the production of these documents without lawful authority. That is because driver's licenses and birth certificates are the basic types of identification that are relied upon for the issuance of passports, social security cards and most of the other identification documents that the Nation relies upon.

The bill also carries an important exception for the activities of investigative, protective, and intelligence agencies which often need to produce documents for undercover police officers or to protect Federal witnesses and others.

I want to compliment my good friend from Illinois, HENRY HYDE, for his leadership on this issue. He has worked most diligently for a number of years, almost singlehandedly, to bring this issue to a proper resolution.

Mr. Speaker, I also want to commend my colleague from Michigan, HAL SAWYER, the ranking minority member of the Subcommittee on Crime of the Committee on the Judiciary for his leadership in this area. They have worked most diligently for a number of years to bring this issue to a proper resolution.

Mr. Speaker, this bill is the culmination of more than 8 years of work on the false identification issue by private industry, the Justice Department, many State and local officials, and the Congress.

Mr. Speaker, the administration supports this bill. It is a noncontroversial bill and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

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Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the chairman of the Subcommittee in urging my colleagues to vote in favor of H.R. 6946, the False Identification Crime Control Act of 1982. This is another bipartisan effort of the Subcommittee on Crime which has been endorsed by the administration.

Testimony before the subcommittee clearly demonstrated that there is an urgent need for Federal legislation to prevent the manufacturers and distributors of false identification documents from peddling their products with impunity. As the gentleman from Illinois (Mr. HYDE) demonstrated with the exhibits he presented to the subcommittee, these criminals shamelessly advertise in national magazines to provide identification tailored to the needs of the purchaser. If the buyer is a criminal, or course, these documents facilitate a variety of enterprising exploits—illegal immigration, drug smuggling, and terrorism.

Earlier this year, law enforcement officers in the State of Michigan brought to my attention the fact that false identification manufacturers are fueling the teenage drunk driving problem, while they line their own pockets. Their services are heavily advertised around high school and college campuses and in periodicals aimed at a young audience. While it is true here, as it is with the crime problem in general, that the primary responsibility for addressing this problem is at the local level, there is clearly a role for the Federal Government to play. Certainly, its involvement is appropriate where the trafficking involves Federal documents. In addition, there are many instances where the activities of a manufacturer outside of a State can thwart that State's efforts to protect the integrity of its own documents. In Michigan, for instance, the State police have established a 13-county area crackdown on the use of false identification documents by minors in purchasing liquor. Obviously, Federal obstacles to the influx of false I.D.'s manufactured outside of the State would be of invaluable help.

In response to this problem, I introduced H.R. 6105, which concentrated on manufacturers who send phony I.D.'s to minors. Most of the conduct which would have been proscribed in my bill is contained in H.R. 6946. In addition, H.R. 6946 provides strong penalties for those who produce identification documents without lawful authority or transfer them knowing that they are stolen or unlawfully produced and for those who produce, transfer or possess implements specially designed for producing false identification. The most serious offenses are punishable by a \$25,000 fine and/or 5-years imprisonment. Certainly, these penalties will provide a strong disincentive to manufacturers and traffickers in false identification. H.R. 6946, coupled with existing State and Feder-

al laws prohibiting fraud against the Government, will provide an arsenal for the various levels of Government to combat this costly sort of crime.

Let me emphasize to my colleagues that H.R. 6946 covers only major manufacturers and traffickers in false identification documents and hardcore criminals who use multiple documents to create false identities. It would not cover the use of a phony driver's license by a minor to buy liquor. This problem is more appropriately addressed by the State and local governments. However, H.R. 6946 will assist them by deterring the manufacture and distribution of false identification documents.

Mr. Speaker, I believe that H.R. 6946 will put an end to the carefree pandering to alcohol abuse and crime by these greedy companies who seem impervious to the suffering that drunk driving and crime generate. I urge my colleagues to vote in favor of H.R. 6946, as it was reported by the Judiciary Committee.

Mr. Speaker, I reserve the balance of my time.

Mr. HUGHES. Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. SAWYER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE).

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am delighted to reach this pinnacle of legislative progress today because it has been at least 5 years since I have been involved with this issue.

It was first brought to my attention by Frances Knight, who was formerly in charge of the Passport Division of our State Department. She presented me with a thick report of an advisory commission, the Federal Advisory Commission on False Identification, which certainly captured my interest because it underscored the dimensions of this very serious problem.

I am pleased to say that with the advent of the gentleman from New Jersey (Mr. HUGHES) as the ranking member of the Subcommittee on Crime of the Committee on the Judiciary, and the gentleman from Michigan, Mr. HAL SAWYER, who is the ranking Republican on that committee, the legislation finally saw the light of day and received the enthusiastic support of the committee, not only the members of the committee, the distinguished chairman, and ranking member, but the staff who contributed many long hours on this matter; Hayden W. Gregory, Eric Sterling of the majority staff, and Deborah K. Owen of the minority staff, who were indispensable in fashioning this legislation into the excellent bill that it is today, with the support of the Department of Justice.

So with many thanks to all who have contributed, I urge adoption of this very important piece of legislation.

Mr. FISH. Mr. Speaker, will the gentleman yield to me?

Mr. HYDE. I would be glad to yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I thank the gentleman for yielding.

As a member of the Subcommittee on Crime, I recall when the gentleman from Illinois appeared before us and contributed so much to the concept of deterring the use of false ID's and the control of this abuse as one more step in our fight to deter illegal use by criminals.

This was the initiative of the gentleman from Illinois. I want to thank the gentleman for bringing this up, and I compliment the chairman of the committee and the ranking member for bringing this bill to the floor today.

Mr. HYDE. I thank the gentleman.

Mr. Speaker, let me just say that when this CONGRESSIONAL RECORD is printed, I intend to take these remarks and mail them to Frances Knight as a memento that justice is sometimes delayed but never denied.

Mr. Speaker, as the sponsor of H.R. 352, the bill which was considered by the Subcommittee on Crime, and as sponsor of similar measures in past Congresses, I want to commend the chairman of the subcommittee (Mr. HUGHES) and the ranking minority member (Mr. SAWYER) for recognizing the urgent need for Federal legislation prohibiting the criminal misuse of identification documents. This pernicious crime has been able to thrive upon various loopholes in the Federal law and the inability of individual States to control the counterfeiting of their documents beyond their borders. H.R. 6946, as reported by the Judiciary Committee, will finally enable us to address a phenomenon that has gone unchecked for far too long.

My concern in this area began in early 1977, when Frances Knight, then Director of the Passport Office, called my attention to a report which had just been issued by the Federal Advisory Committee on False Identification (FACFI). The report culminated a 2-year study conducted under the auspices of the Justice Department, and concluded that false identification crime was a serious national problem that had been virtually ignored.

Criminals use false credentials as a shield to prevent law enforcement authorities from discovering their activities in drug trafficking, credit card fraud, passport fraud, illegal immigration, welfare fraud, terrorist activities, and other aspects of organized crime. The cost to American taxpayers was estimated at over \$16 billion annually in 1976 when the FACFI report was issued. This was a modest estimate then, and testimony before the subcommittee suggests that the problem is even greater now.

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Let me cite a few examples of how false identification facilitates a wide variety of crime. Bernard Welch, the convicted murderer of Washington heart specialist Dr. Michael Halberstam, had more than 20 false identities which he apparently used in fencing stolen valuables. Kristina Bersten, a member of the Baader-Meinhof gang of terrorists in West Germany, used an altered Iranian passport to cross the Canadian border before she was caught in Vermont by Federal authorities, and then deported. The well-known terrorist, Carlos "the Jackal," uses all varieties of false identification as he travels from country to country.

Curbing the misuse of identification documents will have a substantial impact in other problem areas, such as illegal immigration. The attorney general of Illinois, Tyrone Fahner, recently said that spot checks during a 2-week period showed that 45 percent of the aliens who applied for jobless benefits were illegal aliens who were not entitled to such benefits. Every one of those illegal aliens had a counterfeit card that showed him to be in the United States legally. Mr. Fahner has estimated that unless the practice is stopped, illegal aliens in Illinois will be able to collect as much as \$66.2 million each year in fraudulent unemployment benefits. Obviously, Federal legislation which would deter the production of these instrumental documents would lessen the burden of illegal immigration on the States.

The FACFI report identified two legislative problems. First, Federal law generally relates to specific documents and is inconsistent in the activities it proscribes. The offenses are multitudinous and there is an urgent need for an organized and consolidated tool that the prosecutor can use in this area. Second, Federal law does not address interstate trafficking in State documents. This is clearly an area where the States need Federal assistance.

My bill, H.R. 352, was designed to address both of these problems and was specifically endorsed in the FACFI report. The committee's bill, H.R. 6946, clarifies the language of H.R. 352 to bring it more into line with the amendment which I successfully offered to the proposed new Criminal Code 2 years ago. H.R. 6946 also improves the penalties applicable to producers and distributors of phony Federal and State identification documents and the implements used in making them. As reported by the committee, H.R. 6946 will undoubtedly be instrumental in drying up the source of these documents.

Mr. Speaker, 2 years ago, the Judiciary Committee voted to crack down on false identification fraud when it amended the Criminal Code reform bill. Unfortunately, that bill never made it to the floor. Today, in the context of separate legislation, we have another opportunity to close the loopholes in Federal law governing identi-

fication documents which give so much aid and comfort to the criminal element in this country. I urge my colleagues to support H.R. 6946.

Mr. HUGHES. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. MAZZOLI).

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING 5-MINUTE RULE ON WEDNESDAY AND THURSDAY, SEPTEMBER 15 AND 16, 1982

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on Wednesday and Thursday, September 15 and 16, 1982.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield further to me?

Mr. HUGHES. I would be glad to yield to the gentleman from Kentucky.

(Mr. MAZZOLI asked and was given permission to revise and extend his remarks.)

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Speaker, I would like to join in what has been said about my good friend from New Jersey and his leadership on the Subcommittee on Crime of the Committee on the Judiciary, putting forth a bill today with my other good friend from Michigan, Mr. SAWYER. I think it is going to make a very healthy contribution to conquering some of the rampant misuse of documents and, of course, leading to misuse from a crime standpoint. I want to thank him for his leadership.

Mr. HUGHES. I thank the gentleman from Kentucky.

Mr. Speaker, as the gentleman knows, this will dovetail very nicely with the comprehensive immigration bill that the distinguished chairman of the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary has developed and on which our committee is about to begin markup.

Mr. HUGHES. I thank the gentleman.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HUGHES) that the House suspend the rules and pass the bill, H.R. 6946, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1300

PENALTIES FOR CRIMES AGAINST CABINET OFFICERS, SUPREME COURT JUSTICES, AND PRESIDENTIAL STAFF MEMBERS

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 907) to amend sections 351 and 1751 of title 18 of the United States Code to provide penalties for crimes against Cabinet officers, Supreme Court Justices, and Presidential staff members, and for other purposes, as amended.

The Clerk read as follows:

S. 907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 351 of title 18 of the United States Code is amended to read as follows:

"(a) Whoever kills any individual who is a Member of Congress or a Member-of-Congress-elect, a member of the executive branch of the Government who is the head, or a person nominated to be head during the pendency of such nomination, of a department listed in section 101 of title 5 or the second ranking official in such department, the Director (or a person nominated to be Director during the pendency of such nomination) or Deputy Director of Central Intelligence, or a Justice of the United States, as defined in section 451 of title 28, or a person nominated to be a Justice of the United States, during the pendency of such nomination, shall be punished as provided by sections 1111 and 1112 of this title."

(b) Section 351 of title 18 of the United States Code is amended by adding at the end the following:

"(h) In a prosecution for an offense under this section the Government need not prove that the defendant knew that the victim of the offense was an official protected by this section."

"(i) There is extraterritorial jurisdiction over the conduct prohibited by this section."

SEC. 2. (a) The section heading of section 351 of title 18 of the United States Code is amended to read as follows:

"§ 351. Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault; penalties."

(b) In the table of sections at the beginning of chapter 18 of title 18 of the United States Code, the item relating to section 351 is amended to read as follows:

"351. Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault; penalties."

(c) The chapter heading of chapter 18 of title 18 of the United States Code is amended to read as follows:

"Chapter 18—CONGRESSIONAL, CABINET AND SUPREME COURT ASSASSINATION, KIDNAPING, AND ASSAULT"

(d) The table of chapters at the beginning of part I of title 18 of the United States Code is amended so that the item relating to chapter 18 reads as follows:

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"18. Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault..... 351".

(e) Subsection (c) of section 2516 of title 18 of the United States Code is amended by striking out "(violations with respect to congressional, Cabinet, or Supreme Court assassinations, kidnapping, and assault)" and all that follows through "assault)" and inserting in lieu thereof the following: "(violations with respect to congressional, Cabinet, or Supreme Court assassinations, kidnapping, and assault)".

Sec. 3. (a) Subsection (a) of section 1751 of title 18 of the United States Code is amended to read as follows:

"(a) Whoever kills (1) any individual who is the President of the United States, the President-elect, the Vice President, or, if there is no Vice President, the officer next in the order of succession to the Office of the President of the United States, the Vice President-elect, or any person who is acting as President under the Constitution and laws of the United States, or (2) any person appointed under section 105(a)(2)(A) of title 3 employed in the Executive Office of the President or appointed under section 106(a)(1)(A) of title 3 employed in the Office of the Vice President, shall be punished as provided by sections 1111 and 1112 of this title."

(b) Subsection (e) of section 1751 of title 18 of the United States Code is amended to read as follows:

"(e) Whoever assaults any person designated in subsection (a)(1) shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. Whoever assaults any person designated in subsection (a)(2) shall be fined not more than \$5,000, or imprisoned not more than one year, or both; and if personal injury results, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both."

(c) Subsection (g) of section 1751 of title 18 of the United States Code is amended by striking out "this section" and inserting in lieu thereof "subsection (a)(1)".

(d) Section 1751 of title 18 of the United States Code is amended by adding at the end the following:

"(j) In a prosecution for an offense under this section the Government need not prove that the defendant knew that the victim of the offense was an official protected by this section."

"(k) There is extraterritorial jurisdiction over the conduct prohibited by this section."

Sec. 4. (a) The section heading of section 1751 of title 18 of the United States Code is amended to read as follows:

"§ 1751. Presidential and Presidential staff assassination, kidnapping, and assault; penalties".

(b) In the table of sections at the beginning of chapter 84 of title 18 of the United States Code the item relating to section 1751 is amended to read as follows:

"1751. Presidential and Presidential staff assassination, kidnapping, and assault; penalties."

(c) The heading of chapter 84 of title 18 of the United States Code is amended to read as follows:

"Chapter 84—PRESIDENTIAL AND PRESIDENTIAL STAFF ASSASSINATION, KIDNAPING, AND ASSAULT"

(d) The table of chapters at the beginning of part I of title 18 of the United States Code is amended so that the item relating to chapter 84 reads as follows:

"84. Presidential and Presidential staff assassination, kidnapping, and assault..... 1751".

(e) Subsection (c) of section 2516 of title 18 of the United States Code is amended by

striking out "(Presidential assassinations, kidnapping, and assault)" and inserting in lieu thereof "(Presidential and Presidential staff assassination, kidnapping, and assault)".

The SPEAKER pro tempore. Is a second demanded?

Mr. SAWYER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. HUGHES) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. SAWYER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HUGHES asked and was given permission to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, I am pleased to be able to bring this important bill to the floor today. S. 907, a Senate bill, as amended, would add certain high-level Federal officials to the protection of existing Federal law by providing criminal penalties for killing, kidnapping, attempting to kill or kidnap, or assaulting these officers.

Section 351 of title 18 currently protects Members of Congress and Members of Congress-elect. S. 907 would amend section 351 to add Cabinet Secretaries and nominees, and second in command in Cabinet departments; the Director and Deputy Director of the CIA and nominees to be CIA Director; Supreme Court Justices and nominees.

Section 1751 of title 18, protecting the President and Vice President, and President-elect and Vice President-elect, someone legally acting as the President; and if no Vice President those in line of succession to the Presidency.

S. 907 would amend section 1751 to add senior staff members in the President's and Vice President's office to its coverage. The reason behind these amendments is obvious. Those who will be added to the protection of the Federal law are high-ranking Federal officers, officers involved in controversial and high visible activities. Unfortunately, along with their high positions they incur risks to their personal safety. Currently, attacks on these Federal officials can generally be prosecuted only by State and local authorities. While the protections of State and local laws may often be adequate, it seems much better to avoid the inconsistencies in the scope of protection and in the punishment meted out to the attackers by making such attacks Federal crimes to be investigated, prosecuted, and punished by Federal authorities.

S. 907 also makes explicit that these statutes apply extraterritorially, so that no matter where an attack might occur the United States can prosecute. The need for this legislation is espe-

cially urgent in light of the tragic attack on President Reagan last year that left his press secretary, Jim Brady, permanently disabled, and the very recent attack on Supreme Court Justice Byron White, which fortunately did not cause serious injury to Justice White.

I do not believe that there is any controversy whatsoever about the substance of S. 907. Indeed, the President just this past Saturday in his radio address singled out S. 907 as one of the pieces of legislation requiring immediate attention by the Congress. I am happy to say this morning that the full Judiciary Committee reported out S. 907, and I do not think we could expedite a piece of legislation any more than we have expedited this particular one.

I want to particularly commend again my distinguished ranking minority member, HAL SAWYER of Michigan, without whose cooperation we could not have had this legislation before the House today. I urge the Members to vote to suspend the rules and pass S. 907, as amended. It is a good piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SAWYER asked and was given permission to revise and extend his remarks.)

Mr. SAWYER. Mr. Speaker, I want to join the chairman of the subcommittee in urging this body to pass S. 907. This bill generated no controversy during our committee's consideration and has been endorsed by the administration.

Recent attacks on well-known public figures, such as President Reagan, Press Secretary Jim Brady, and Supreme Court Justice Byron White, have highlighted the need for this legislation. S. 907 would make it a Federal crime to kill, kidnap, or assault:

Cabinet heads and persons nominated to those positions;

Deputy Cabinet heads;

The Director of Central Intelligence, a person nominated to be Director, and the Deputy Director;

Supreme Court Justices and nominees; and

High-level staff appointed by the President and Vice President.

The subcommittee also made two changes in the bill to clarify certain aspects of these offenses. First, S. 907 will provide for explicit extraterritorial jurisdiction over these offenses. Under current law, for instance, the defendant in the Leo Ryan murder case raised the issue that there was no extraterritorial jurisdiction over that offense. While the Court correctly held, in my view, that there was extraterritorial jurisdiction, there is no guarantee that other courts will make the same decision in the future. S. 907 corrects this deficiency. In addition, it clarifies the fact that the defendant